

2007-2008 Charter Review Committee

Middletown, RI

Minutes of the Meeting of

Thursday, June 7, 2007

Attendance: Barbara Von Villas, David Leys, William O'Connell, Frank Forgue, Elizabeth Pike Bozyan, and Lucie-Anne Dionne-Thomas. Robert Matose, Vergil Blaschke and Morrie Seiple were absent. Gerald Kempen, Town Administrator, attended most of the meeting as an invited guest of the group, to discuss the portions of the Charter that relate to and might impact his position as administrator.

The meeting was held at Town Hall and was called to order at 7:03 p.m.

Minutes of May 3, 2007 meeting were approved as amended.

Old Business: A member reported that "hire of money" in §207(h) refers to "payment for temporary use of money" and that "organ," used, for example, in §304(e), refers to "means of performing functions or accomplishing some end." The word "organs" will remain in the document. As to section 207(g), instead of the former suggestion to change the dollar amount from \$100,000 to \$250,000, a member suggested revising the pertinent sentence to read: "No bonds shall be issued pledging the credit of the town in excess of 1% of the property tax levy." This would currently be approximately

\$260,000. Wording the section as a percentage of the property tax levy would avoid the need to change the dollar amount periodically.

New Business: Upcoming meetings were scheduled for July 12, August 2 and September 6, 2007.

The meeting agenda was revised to allow Mr. Gerry Kempen, Town Administrator, to speak first.

Mr. Kempen focused on §204, Presiding Officer, §211 Conflicts of Interest, §305 Non-interference by the council, §604 Town Sergeant, §607 Town Solicitor and §702 Fire. His suggestions were as follows:

- §204: Revise the second sentence to read as follows: “He or his designee shall preside at meetings, and shall be recognized as head of the town government for all ceremonial purposes, as explained by the Emergency Operations Plan adopted in January of 2004, as amended.”**

- §211: Suggested revising to be more encompassing. Board members indicated to Mr. Kempen that there was a consensus to that effect by the board as well and that language had been proposed to include reference state law and the RI Ethics Commission.**

- §305: Mr. Kempen questioned whether this section applies to the Town Administrator. There was a suggested revision for the second sentence to read as follows: Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the town administrator; individual council members**

shall not seek to direct the actions of the Town Administrator and neither the council nor any member thereof shall give orders to any subordinates of the town administrator, either publicly or privately.

- §604: Delete and refer to the section as “Reserved.”

- §607: Mr. Kempen raised the possibility of a full time Town Solicitor; there was also question of whether the 2 year term, referred to in the first sentence, is “written in stone,” i.e. solicitor could not be removed during that period. Mr. Kempen will research this further and report back to the committee.

- §702: Mr. Kempen queried why this section included the following language at the end of the fourth sentence: “...who shall serve at the pleasure of the fire chief.” According to Mr. Kempen, this circumvents normal hiring authorities and procedures.

Mr. Kempen added one other general comment: He believes the most important section for the committee to examine is the Personnel area.

The committee agreed to carry forward further discussion of Articles III, IV and V.

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

/s/

Lucie-Anne Dionne-Thomas

Secretary

Handouts:

- **None**